IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 31722 of 2006(B)

PETITIONER:

1. XAVIER WILLIAM, S/O.THOMAS.V.J.,
   AGED 59 YEARS, PROPRIETOR, SOUTHERN CHEMICALS
   SOLVENTS, VARIKATTU HOUSE, NETTOOR,
   ERNAKULAM.

2. AJAYA WILLIAM, S/O.XAVIER,
   AGED 25, VARIKATTU HOUSE, NETTOOR,
   ERNAKULAM.

BY ADV. SRI.P.J.JOSEPH PANIKKASSERY

RESPONDENTS:

1. MARADU GRAMA PANCHAYATH REPRESENTED
   BY SECRETARY, MARADU GRAMA PANCHAYATH,
   MARADU P.O., ERNAKULAM DISTRICT.

2. CHIEF ENVIRONMENTAL ENGINEER,
   KERALA STATE POLLUTION CONTROL BOARD,
   GANDHI NAGAR, KADAVANTHRA, COCHIN-20.

3. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT
   INSTITUTIONS, TRIVANDRUM.

R1 BY ADV. SRI.S.CHANDRASENAN
R2 BY ADV.SRI.M.K.CHANDRAMOHAN DAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.31722 OF 2006

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DATED THIS THE 15TH DECEMBER, 2006

J U D G M E N T

Heard Mr.P.J.Joseph Panikkassery, learned counsel for the petitioners and Sri.S.Chandrasenan, learned counsel for the 1st respondent-Panchayat.

2. One of the grievances of the petitioners is that since they were not served with an authenticated copy of Ext.P1 order, the appeal which was preferred by them before the Tribunal was returned by the Tribunal. Mr.Panikkassery has a further grievance that a going concern was closed down by the Panchayat all of a sudden without giving notice.

3. Mr.S.Chandrsenan would submit that if the petitioners had approached the Panchayat for an authenticated copy, the same would have been readily issued. As regards the complaint regarding closure of the business, Mr.Senan submitted that the Panchayat was justified in doing so.

4. I do not propose to go into the merits of the grounds raised. The Writ Petition will stand disposed of with the following directions:-

The 1st respondent-Panchayat is directed to serve the petitioners with a duly signed and sealed copy of Ext.P1 order along with the

order of the Tribunal in Appeal No.50 of 2004 dated 13.1.2005 which is said to be already issued to the petitioners, within two days of the petitioners producing a copy of this judgment. If the 2nd petitioner makes a request before the 1st respondent for removal of computers or electronic devices belonging to the 2nd petitioner presently kept inside the premises, the 1st respondent will allow that request and open the premises on a date to be notified to the 2nd petitioner for the purpose of enabling the 2nd petitioner to remove the things he wants to remove from the room. After the computers etc. belonging to the 2nd petitioner are removed, the 1st respondent will be competent to close down the room once again. If the Tribunal receives an appeal within 7 days of the petitioners receiving copy of the authenticated copy of the order from the 1st respondent, the Tribunal will entertain the appeal as one filed on time and dispose of the same in accordance with law. It is open to the petitioners to seek any appropriate interim relief from the Tribunal regarding reopening of the premises.

(PIUS C. KURIAKOSE, JUDGE)

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